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PART III.

Legislative Measures and Rules thereunder.

REGULATION No. V OF 1920.

(Received the assent of His Highness the Maharaja on the 12th day of June 1920.)

A Regulation further to amend the Mysore Excise Regulation, 1901.

Whereas it is expedient further to amend the Mysore Excise Regulation, 1901; His Highness the Maharaja is pleased to enact as follows :—

Amendment of section 3 of the Regulation.

1. In section 3 the following amendments shall be made,—

(1) At the end of sub-section (8) after the word "distillation" the words "whether it is denatured or not" shall be inserted.

(2) After sub-section (8) the following new sub-section shall be inserted: "(8 A). 'Denatured' means subjected to a process prescribed by the Government by notification in the official Gazette for the purpose of rendering unfit for human consumption."

(3) In sub-section (11) the word "or" occurring between the words "Batavia" and "Ceylon" shall be omitted and the words "or any other country which may be specified in the rules framed by Government from time to time in this behalf." shall be added at the end thereof.

(4) In sub-section (13) the words "or the coca plant (*Erythroxylum coca*)" shall be inserted after the words "the hemp plant (*Cannabis sativa or Indica*)".

(5) After sub-section (17) the following sub-section shall be inserted,—

"(17 A.) 'Cultivation' includes the tending or protecting of a plant during growth and does not necessarily imply raising it from seed."

(6) After sub-section (18) the following sub-section shall be inserted,—

"(18 A.) 'bottle' means to transfer liquor from a cask or other vessel to a bottle, jar or flask or similar receptacle for the purpose of sale whether any process of manufacture be employed or not and includes rebottling."

(7) After sub-section (20) the following sub-section shall be added,—

"(21) 'Police Station' includes any place which the Government may, by notification, declare to be a Police station for the purposes of this Regulation."

Amendment of section 12.

2. In section 12 the following amendments shall be made:—

(1) In the first paragraph after the words "hemp plant (*cannabis sativa* or *Indica*)" the words "or coca plant (*Erythroxylum coca*)" shall be inserted.

(2) Between the third and the fourth paragraphs after the words "no toddy shall be drawn from any tree" the following paragraph shall be inserted,—

"no portion of the hemp or coca plant from which any intoxicating drug can be manufactured shall be collected."

(3) The word "and" occurring after the words "no distillery or brewery shall be constructed or worked" shall be omitted and the following new paragraph substituted after the same.—

"no liquor shall be bottled for sale; and"

Amendment of section 13

3. In section 13 the following amendments shall be made:—

(1) In the first paragraph of the section for the words "for the whole of Mysore or for any local area" the words "or specially with regard to persons, places or time," shall be substituted.

(2) In proviso (2) to the section after the words "foreign liquor" the words "other than denatured spirit" shall be inserted and for the words "purchased by" the word "of" shall be substituted.

Addition of section 13 A.

4. After section 13 the following new section shall be inserted.

Prohibition of possession of any liquor or intoxicating drug.

"13 A. Government may by notification prohibit the possession by any person or class of persons either throughout the whole of Mysore or in any local area, of any liquor or intoxicating drug either absolutely or subject to such conditions as they may prescribe."

Amendment of section 15.

5. In section 15 the following amendments shall be made.

(1) After the words "intoxicating drugs" at the end of the first proviso the words "or to any officer whom the Excise Commissioner may generally or specially authorise" shall be inserted.

(2) For the second proviso the following shall be substituted.—

"Provided also that a license for sale in more than one district shall be granted by the Excise Commissioner."

(3) In the third proviso to the section the words "by notification" shall be substituted for the words "in like manner" and the words "under such conditions as the Excise Commissioner may prescribe" for the words "in pots or other receptacles freshly coated internally with lime, for the purpose of the manufacture of jaggory."

(4) At the end of the section the following new clause shall be inserted—

"nothing in this section applies to the sale of any foreign liquor legally procured by any person for his private use and sold by him or by auction on his behalf or on behalf of his representatives in interest upon his quitting a station or after his decease."

Amendment of section 17.

6. In section 17 the following amendments shall be made:—

(1) After paragraph (*e*) of the section the following new paragraph shall be inserted.—

"(*ee*) issued from a distillery or warehouse licensed or established under section 12 or section 14, or"

(2) The proviso to the section shall be omitted.

Amendment of section 18.

7. In section 18 the following amendments shall be made:—

(1) In clause (*a*) of the section for the words "the distillery or brewery" the words "a distillery, brewery or warehouse licensed or established under section 12 or section 14" shall be substituted.

(2) At the end of clause (*b*) of the section the words "or issued from a warehouse licensed or established under section 14" shall be added.

(3) In clause (*f*) the words "import, export or" shall be inserted before the word "transport."

(4) At the end of the section the following proviso shall be inserted.

"Provided that when there is a difference of duty, as between two license periods such difference may be collected in respect of all stocks of country liquor or intoxicating drugs held by licensees at the close of the former period."

Amendment of section 26.

8. In clause (*c*) section 26 of the Regulation after the words "non-bailable offence" the words "or of any offence under the Merchandise Marks Regulation, 1892, or under sections 478 and 489 of the Indian Penal Code, 1860" shall be inserted.

Substitution of a new section for section 27.

9. For section 27 of the Regulation the following shall be substituted:—

"27. Every person who manufactures or sells any liquor or intoxicating drugs under a license granted under this Regulation shall be bound—

(*a*) to supply himself with such measures, weights and instruments as Government may prescribe and to keep the same in good condition; and

(*b*) on the requisition of any Excise Officer duly empowered in that behalf at any time to measure or weigh any liquor or intoxicating drug or test any liquor in his possession in such manner as the said Excise Officer may require."

Substitution of a new section for section 29. Power to frame rules.

10. For section 29 of the Regulation the following new section shall be substituted:—

"29 (1) Government may make rules for the purpose of carrying out the provisions of this Regulation.

(2) In particular and without prejudice to the generality of the foregoing provision Government may make rules,—

(*a*) regulating the mode in which toddy may be supplied to licensed vendors of the same or to persons who distill spirits from it, or who use it in the manufacture of bread or jaggory;

(*b*) for determining the number of licenses of each description to be granted in any district or place;

(c) for regulating the number, size and description of stills, utensils, implements and apparatus to be used in any distillery;

(d) prescribing the instruments to be used in the testing of liquor and the tables of corrections according to temperature to be used therewith;

(e) prescribing the measures to be used for the sale of country liquor and the scales and weights to be used for the sale of intoxicating drugs;

(f) fixing for any local area the minimum price below which any country liquor shall not be sold or the retail price of any such liquor and the wholesale and retail prices of intoxicating drugs;

(g) defining when liquor or drugs or any kind of liquor or drugs shall be deemed to be sold retail or wholesale;

(h) for the warehousing of liquor and intoxicating drugs and for the removal of the same from any warehouse in which they are deposited for deposit in any other warehouse or for local consumption or for export;

(i) for the inspection and supervision of stills, distilleries, private warehouses and breweries;

(j) for the management of any public distillery or public warehouse established under section 14;

(k) for regulating the cultivation of hemp and coca plants, checking their spontaneous growth, the collection of those portions of such plants from which intoxicating drugs can be manufactured and manufacture of such drugs therefrom and providing, where necessary, for the extirpation from private holdings or Government lands, of such plants;

(l) for placing the preparation of intoxicating drugs and the storage, import, export, possession or transport of liquor or intoxicating drugs under such supervision and control as may be deemed necessary for the purposes of this Regulation;

(m) prohibiting the use of any article which the Government shall deem to be noxious or otherwise objectionable in the manufacture of liquor or of any intoxicating drug;

(n) for the grant of batta to witnesses and of compensation for loss of time to persons released by any Excise Officer under section 40 (3) of this Regulation on the ground that they have been improperly arrested and to persons charged before a magistrate with offences under this Regulation and acquitted;

(o) declaring the process by which spirit manufactured in or imported into the State shall be denatured;

(p) for causing such spirit to be denatured through the agency or under the supervision of the Excise Officers;

(q) for ascertaining whether such spirit has been denatured;

(r) regulating the power of Excise Officers to summon witnesses from a distance under section 44;

(s) regulating the bottling of liquor for purposes of sale;

(t) for the disposal of articles confiscated and of the proceeds thereof;

(u) declaring in what cases or classes of cases and to what authorities appeals shall lie from orders, whether

original or appellate, passed under this Regulation or under any rule made thereunder, or by what authorities such orders may be revised and prescribing the time and manner of presenting appeals, and the procedure for dealing therewith.

Amendment of section 31.

11. In section 31 of the Regulation for the words "any Excise or Police Officer not below the rank of Inspector or a Police Station Officer" the words "any Police Officer not below the rank of an officer in charge of a Police Station or any Excise Officer of a rank not below that to be specified from time to time by Government by a notification in the official Gazette" shall be substituted.

Amendment of section 48.

12. At the end of section 48 insert the following sentence:—

"The officer may also, if he considers it necessary for the investigation of the case, exercise the powers conferred by sections 44 to 47 before summoning the person suspected."

Amendment of section 55.

13. In section 55 of the Regulation the following amendments shall be made—

(1) At the end of clause (*c*) of the section the following shall be added,—

"or the coca plant (*Erythroxylum coca*) or collects any portion of such plants from which an intoxicating drug can be manufactured; or"

(2) The following new clause shall be inserted after clause (*g*),—

"(*gg*) bottles any liquor for purposes of sale; or"

Addition of a new section after section 55.

14. After section 55 the following new section shall be inserted:—

For rendering or attempting to render denatured spirit fit for human consumption.

"55A. Whoever renders or attempts to render fit for human consumption any spirit whether manufactured in Mysore State or not, which has been denatured, or has in his possession any spirit in respect of which he knows or has reason to believe that any such attempt has been made, shall on conviction before a Magistrate be liable to imprisonment for a term which may extend to three months or to fine which may extend to one thousand rupees or both. For the purpose of this section it shall be presumed unless and until the contrary is proved that any spirit which is proved on chemical analysis to contain any quantity of any of the prescribed denaturants is or contains or has been derived from denatured spirit.

Amendment of section 56.

15. In the first paragraph of section 56 for the words "a person in the employ of such holder" the words "being in the employ of such holder and acting on his behalf" shall be substituted and in clause (*b*) of the section for the words "does any act" the words "wilfully does or omits to do anything" shall be substituted.

Omission of section 62.

16. Section 62 of the Regulation shall be omitted.

Amendment of section 65.

17. In section 65 the words "or by means of" shall be inserted after the words "in respect of."

Amendment of section 66.

18. At the end of section 66 the following proviso shall be added:—

"Provided further that if the thing in question is liable to speedy and natural decay or if the Excise Commissioner or any other officer authorised by Government in that behalf is of opinion that the sale would be for the benefit of its owner, he may at any time direct it to be sold, and the provisions of this section shall, as nearly as may be practicable, apply to the net proceeds of such sale."

Amendment of section 67.

19. In section 67 of the Regulation for the words "section 56" the words "section 55 or section 56 or section 57 or section 58" shall be substituted.

Addition of a new section after section 68.

20. After section 68 the following new section shall be added as section 68 A.

Excise Advisory Committees.

"68 A—Any Local Authority empowered by Government in this behalf may appoint Excise Advisory Committees in accordance with rules prescribed by Government for the purpose. The rights and duties of such Excise Advisory Committees under this Regulation shall be such as may be provided for by rules made in this behalf by Government from time to time and published in the official Gazette."

Substitution of a new section for section 71. Exception of medicated articles.

21. For section 71 of the Regulation the following new section shall be substituted :—

"71. Government may by notification, either wholly or partially, subject to such conditions as it may think fit to prescribe, exempt any liquor or intoxicating drug from all or any of the provisions of this Regulation, either throughout the State or in any specified area or for any specified period or occasion or as regards any specified class or persons."

M. KANTARAJ URS,
Dewan.